

**Title 37-B: DEFENSE, VETERANS AND EMERGENCY
MANAGEMENT HEADING: PL 1997, c. 455, §9 (rpr)**

Chapter 11: MAINE VETERANS' HOME

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Maine Revised Statutes
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Chapter 11: MAINE VETERANS' HOME

§601. HOME ESTABLISHED; PURPOSE

There must be public homes for veterans in Maine known as "Maine Veterans' Homes." In addition to the existing 120-bed home located in Augusta, a 120-bed home located in Scarborough, a home not to exceed 40 beds located in Caribou, a home located in Bangor not to exceed 120 beds, of which 40 beds are dedicated to patients with dementia, and a home located in South Paris not to exceed 90 beds, of which 30 beds are dedicated to patients with dementia, may be constructed if federal Veterans' Administration funds are available to meet part of the costs of each facility for construction or operation. In addition, a home located in Machias not to exceed 60 beds may be constructed if federal Veterans' Administration funds or funds from any other state, federal or private source are available to meet part of the costs of the facility for construction or operation, except that the Machias home may not begin operation prior to July 1, 1995 and the construction and funding of the Machias home may not in any way jeopardize the construction, funding or financial viability of any other home. The Maine Veterans' Homes also are authorized to provide nonnursing facility care and services to Maine veterans if approved by appropriate state and federal authorities. The Board of Trustees of the Maine Veterans' Homes shall plan and develop the Machias home and any nonnursing facility care and services using any funds available for that purpose, except for the Augusta facility's funded depreciation account. The Maine Veterans' Homes are authorized to construct community-based outpatient clinics for Maine veterans in cooperation with the United States Department of Veterans Affairs and may construct and operate veterans hospice facilities, veterans housing facilities and other facilities authorized by the Board of Trustees of the Maine Veterans' Homes, using available funds. Any funds loaned to the Maine Veterans' Homes for operating purposes from the funded depreciation accounts of the Maine Veterans' Homes must be reimbursed from any funds received by the Maine Veterans' Homes and available for that purpose. The primary purpose of the Maine Veterans' Homes is to provide support and care for honorably discharged veterans who served on active duty in the United States Armed Forces or who served in the Reserves of the United States Armed Forces on active duty for other than training purposes. [2009, c. 652, Pt. A, §59 (RPR).]

SECTION HISTORY

1983, c. 460, §3 (NEW). 1985, c. 773, §1 (RPR). 1989, c. 502, §A141 (AMD). 1991, c. 702, §1 (AMD). 1993, c. 426, §1 (AMD). 1993, c. 427, §10 (AMD). 1993, c. 680, §A34 (RPR). 1997, c. 98, §1 (AMD). 1997, c. 395, §P1 (AMD). 1999, c. 288, §1 (AMD). 2007, c. 167, §9 (AMD). 2009, c. 299, Pt. A, §9 (AMD). 2009, c. 406, §13 (AMD). 2009, c. 652, Pt. A, §59 (RPR).

§602. BODY CORPORATE; POWERS

The Maine Veterans' Home is a body corporate. In addition to other powers granted by this chapter, the Maine Veterans' Home may: [1983, c. 460, §3 (NEW).]

1. Contracts. Make and execute contracts and all other instruments necessary or convenient for the exercise of its powers and functions under this chapter;

[1983, c. 460, §3 (NEW) .]

2. Acquire property. Acquire, in the name of the home, real or personal property or any interest therein, including rights or easements, on either a temporary or long-term basis by gift, purchase, transfer, foreclosure, lease or otherwise;

[1983, c. 460, §3 (NEW) .]

3. Hold or dispose of property. Hold, sell, assign, lease, rent, encumber, mortgage or otherwise dispose of any real or personal property, or any interest therein, or mortgage interest owned by it or in its control, custody or possession and release or relinquish any right, title, claim, lien, interest, easement or demand however acquired, including threat of foreclosure;

[1983, c. 460, §3 (NEW) .]

4. Procure insurance. Procure insurance against any loss in connection with its property and other assets in amounts and from insurers which it deems desirable;

[1983, c. 460, §3 (NEW) .]

5. Receive bequests and donations. Receive, on behalf of the State, bequests and donations that may be made to improve the general comfort and welfare of the members of the home or for the betterment of the home;

[1983, c. 460, §3 (NEW) .]

6. Borrow funds. Borrow funds, not in excess of \$15,000,000 in the aggregate, make and issue bonds and negotiate notes and other evidences of indebtedness or obligations of the veterans' home for prudent and reasonable capital, operational and maintenance purposes. The home may secure payments of all or part of the obligations by pledge of part of the revenues or assets of the home that are available for pledge and that may be lawfully pledged or by mortgage of part, or all, of any property owned by the home. The home may do all lawful things necessary and incidental to those powers. The home may borrow money from the Federal Government and its agencies, from state agencies and from any other source. The home may borrow money from the State subject to approval by the Treasurer of State and the Governor. Bonds, notes and other evidences of indebtedness issued under this subsection shall not be deemed to constitute debts of the State, nor a pledge of the credit of the State, but shall be payable solely from the funds of the home; and

[1991, c. 702, §2 (AMD) .]

7. Other acts. Do other acts necessary or convenient to exercise the powers granted or reasonably implied in this section.

[1983, c. 460, §3 (NEW) .]

SECTION HISTORY

1983, c. 460, §3 (NEW). 1985, c. 773, §2 (AMD). 1991, c. 702, §2 (AMD).

§602-A. DEVELOPMENT AND IMPLEMENTATION OF GERIATRIC TRAINING PROGRAMS

1. Cooperation. The Maine Veterans' Homes shall work cooperatively with appropriate provider and consumer groups, including the Department of Health and Human Services, the Maine Committee on Aging, the Maine Health Care Association, the Home Care Alliance of Maine and the Maine Hospital Association, in order to develop and implement appropriate geriatric training programs.

[1987, c. 830, §2 (NEW); 2003, c. 689, Pt. B, §6 (REV) .]

2. Manual; training and educational programs. The Maine Veterans' Homes, in concert with the groups listed in subsection 1, shall:

A. Prepare a manual on the clinical care of geriatric patients, to be completed by June 30, 1991, with 1/3 of the manual being completed each year; [1987, c. 830, §2 (NEW).]

B. Conduct a series of 12 to 14 educational programs annually, in different locations of the State, in order to communicate with health care providers and state surveyors on the content of this manual; [1987, c. 830, §2 (NEW).]

C. Prepare a series of 6 to 8 management training programs for nursing personnel and conduct 12 to 14 educational programs annually for a period of 3 years leading to a formal program of certification in long-term care nursing management; and [1987, c. 830, §2 (NEW).]

D. Prepare and conduct such other geriatric educational programs as may be determined appropriate within the limits of the funds authorized for this project. [1987, c. 830, §2 (NEW).]

[1987, c. 830, §2 (NEW) .]

3. Pilot project. The Maine Veterans' Homes shall establish a demonstration project utilizing the concept of a teaching nursing home, in collaboration with appropriate provider and consumer groups, as a mechanism to increase the number of health care providers with improved capabilities to deliver geriatric care to the State's elderly population.

[1987, c. 830, §2 (NEW) .]

4. Fees. The Maine Veterans' Homes shall charge fees for the educational programs and materials provided under this section. The fees charged shall be based on the costs of providing the educational materials.

[1987, c. 830, §2 (NEW) .]

5. Federal funds. The Maine Veterans' Homes shall work with the Department of Health and Human Services in order to obtain maximum federal financial participation in fulfilling the purposes of this section.

[1987, c. 830, §2 (NEW); 2003, c. 689, Pt. B, §6 (REV) .]

6. Other funding sources. The Maine Veterans' Homes shall seek, in conjunction with appropriate provider and consumer groups, permanent sources of funding for the continuation of this demonstration project on a self-sustaining basis.

[1987, c. 830, §2 (NEW) .]

7. Duration. The length of this demonstration project shall be no longer than 3 years.

[1987, c. 830, §2 (NEW) .]

8. Account. The Maine Veterans' Homes shall maintain in a separate account, not commingled with any other sources of revenue, the funds appropriated for or generated by the fulfillment of the purpose of this section.

[1987, c. 830, §2 (NEW) .]

9. Annual report. The Maine Veterans' Homes shall submit annually to the joint standing committee of the Legislature having jurisdiction over human resources an audited financial statement and a description of program accomplishments for the previous year and program goals for the succeeding year.

[1987, c. 830, §2 (NEW) .]

10. Unused funds. At the end of the 3-year demonstration period, any unused appropriation or any funds generated by the educational programs authorized by this section shall lapse to the General Fund of the State unless the Legislature authorizes otherwise.

[1987, c. 830, §2 (NEW) .]

SECTION HISTORY

P&SL 1987, c. 148, (AMD). 1987, c. 830, §2 (NEW). 2003, c. 689, §B6 (REV).

§603. BOARD OF TRUSTEES

The administration of the homes is vested in the Board of Trustees of the Maine Veterans' Homes, as authorized by Title 5, section 12004-G, subsection 34. The board consists of 11 members, one of whom must be the Director of the Bureau of Maine Veterans' Services, ex officio, who serves without term. The Governor shall appoint the remaining trustees, who must be honorably discharged war veterans. One member must be a woman. One member must be appointed from and represent each of the largest veterans' organizations, not exceeding 5, that are nationally chartered and have a department in Maine. The remaining members must be appointed at large and serve staggered 3-year terms. The membership must be distributed across the State so that approximately 1/3 reside in the southern part of the State, approximately 1/3 in the central part and approximately 1/3 in the northern part. In the event of a vacancy, a successor must be appointed to complete a member's unexpired term. Each trustee continues to hold office until a successor is appointed and qualified.

[2001, c. 676, §1 (AMD).]

SECTION HISTORY

1983, c. 460, §3 (NEW). 1983, c. 812, §285 (AMD). 1985, c. 773, §3 (AMD). 1989, c. 503, §B172 (AMD). 1991, c. 626, §24 (AMD). 1997, c. 455, §30 (AMD). 2001, c. 676, §1 (AMD).

§604. CONDUCT OF BOARD BUSINESS

1. Fiscal year. The board shall adhere to the same fiscal year as the State.

[1983, c. 460, §3 (NEW) .]

2. Meetings. The board shall meet at least 6 times annually. Six members constitute a quorum.

[2001, c. 676, §2 (AND) .]

3. Selection of officers. At its first annual meeting, which shall be held in July each year, the board shall elect a chairman and secretary for that fiscal year.

[1983, c. 460, §3 (NEW) .]

4. Special meetings. Special meetings may be called by agreement of a majority of the trustees.

[1983, c. 460, §3 (NEW) .]

5. Appointment of administrator. The board shall appoint an administrator in accordance with section 606.

[1983, c. 460, §3 (NEW) .]

6. Other funds. The board may apply for and receive any grants-in-aid for which the State or the home may be eligible.

[1983, c. 460, §3 (NEW) .]

7. Rules. The board shall adopt rules necessary to administer the home, to establish just charges for the maintenance of members and to oversee the operation of the home. In adopting rules, the board shall seek comments and information from home staff, members, members' families and other relevant sources, but the Maine Administrative Procedure Act provisions regarding rulemaking, Title 5, chapter 375, subchapter II, shall not apply.

[1983, c. 460, §3 (NEW) .]

8. Assistance. Every department and agency of the State, when requested, may furnish such assistance, counsel or advice as the board may require in the discharge of its duties.

[1987, c. 11, §2 (NEW) .]

SECTION HISTORY

1983, c. 460, §3 (NEW). 1987, c. 11, §2 (AMD). 2001, c. 676, §2 (AMD).

§605. COMPENSATION OF THE BOARD

Trustees shall be compensated according to the provisions of Title 5, chapter 379. [1983, c. 812, §286 (RPR) .]

SECTION HISTORY

1983, c. 460, §3 (NEW). 1983, c. 812, §286 (RPR) .

§606. ADMINISTRATOR

The administrator must be an honorably discharged veteran who shall administer the home in accordance with the rules, guidelines and general policies established by the board. The administrator serves an indefinite term, but may be removed for cause by the board. The administrator's salary is set by the board. The administrator shall hire the necessary employees to operate the home and, whenever possible, give preference in hiring to war veterans. These employees are not deemed employees of the State. [1997, c. 147, §1 (AMD) .]

SECTION HISTORY

1983, c. 460, §3 (NEW). 1997, c. 147, §1 (AMD) .

§607. ADMISSION

Veterans desiring admission to the home must apply on forms prescribed by the administrator. The administrator shall grant admission only to veterans who were residents of Maine at the time of their entry into the United States Armed Forces or who are residents of Maine at the time of application, and to the spouses, widows or widowers of eligible veterans, provided that suitable facilities are available. Parents of armed services members who are killed in action or die as a consequence of wounds received in battle are also

eligible, as so called "gold star" parents, for admission. Admission must be granted when provisions of the rules governing private payment, Medicare and Medicaid eligibility to entitled persons are met. [1997, c. 395, Pt. P, §2 (AMD).]

SECTION HISTORY

1983, c. 460, §3 (NEW). 1983, c. 594, §32 (AMD). 1995, c. 211, §1 (AMD). 1997, c. 395, §P2 (AMD).

§608. CHARGES

Each veteran admitted to the home shall pay to the State, as prescribed by the board, the share of the costs of his maintenance which he can afford. [1983, c. 460, §3 (NEW).]

SECTION HISTORY

1983, c. 460, §3 (NEW).

§609. CUSTODY OF FUNDS

(REPEALED)

SECTION HISTORY

1983, c. 460, §3 (NEW). 1997, c. 395, §P3 (RP).

§610. SUPPORT AND MAINTENANCE FUND

All funds received by the Maine Veterans' Home, including federal Veterans' Administration stipend funds, must be held in a permanent fund to be used as required by the administrator for the support and maintenance of the homes. A percentage of these funds approved by the board of trustees must be placed in reserve for capital improvement expenditures. The board of trustees shall operate the homes, when constructed, as self-liquidating projects until all the bonds issued as provided by this chapter are retired. Any funds received in excess of that necessary for the support and maintenance of the homes, the capital reserve fund and funds necessary for retirement of any outstanding bonds or indebtedness as those payments become due at the end of each fiscal year must be transferred to the Treasurer of State where they are to be applied as credits to the General Fund. The Department of Health and Human Services may not modify its principles of reimbursement for long-term care facilities to specifically exclude reimbursement for the depreciation of the assets created with federal or state grants. [1997, c. 395, Pt. P, §4 (AMD); 2003, c. 689, Pt. B, §6 (REV).]

The provisions of this section pertaining to the Department of Human Services' reimbursement of long-term care facilities for depreciation of assets created with federal or state grants do not apply to renovations undertaken by the Maine Veterans' Homes 120-bed Augusta nursing facility in accordance with a certificate of need application filed January 22, 2002. The Department of Health and Human Services shall amend its rules regarding reimbursement of long-term care facilities accordingly. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [2003, c. 3, §1 (NEW); 2003, c. 689, Pt. B, §6 (REV).]

SECTION HISTORY

1983, c. 460, §3 (NEW). 1997, c. 395, §P4 (AMD). 2003, c. 3, §1 (AMD). 2003, c. 689, §B6 (REV).

§610-A. STIPEND FUNDS

The Maine Veterans' Homes retain as direct income revenue any stipend funds they may receive from the federal Veterans' Administration for the homes' entire eligible resident population. [1997, c. 395, Pt. P, §5 (NEW).]

The Department of Health and Human Services may neither receive the proceeds nor require the application of stipend funds in the Medicare or Medicaid rate justification submissions by the Maine Veterans' Homes. [1997, c. 395, Pt. P, §5 (NEW); 2003, c. 689, Pt. B, §6 (REV).]

SECTION HISTORY

1997, c. 395, §P5 (NEW). 2003, c. 689, §B6 (REV).

§610-B. USE OF STIPEND FUNDS

The Maine Veterans' Homes shall expend stipend funds received pursuant to section 610-A primarily on the payment of debt service on, or the setting aside of funds irrevocably to repay as soon as possible, the outstanding principal amount of the bonded indebtedness of the homes and the bonded indebtedness of the State on which the homes are obligated to pay debt service. Any interest earned on funds set aside irrevocably to repay such bonded indebtedness must be credited to the General Fund. [1999, c. 288, §2 (AMD).]

Annually, at the beginning of each fiscal year, the Maine Veterans' Homes shall prepare and file with the Department of Health and Human Services a written work plan for the use of its anticipated financial resources including stipend funds in that fiscal year. [1997, c. 395, Pt. P, §6 (NEW); 2003, c. 689, Pt. B, §6 (REV).]

The Board of Trustees of the Maine Veterans' Homes in conjunction with the Commissioner of Health and Human Services may agree to develop additional requirements regarding operation of the homes as needed. [1997, c. 395, Pt. P, §6 (NEW); 2003, c. 689, Pt. B, §7 (REV).]

SECTION HISTORY

1997, c. 395, §P6 (NEW). 1999, c. 288, §2 (AMD). 2003, c. 689, §B6 (REV).

§611. REPORTS

The board shall make an annual report to the Governor. This report shall contain an accounting for all money received and expended, statistics on members who resided in the home during the year, recommendations to the Governor and Legislature and such other matters as the board deems pertinent. The administrator, subject to approval of the board, shall compile a biennial budget on the forms and at the time required of other state agencies. [1983, c. 460, §3 (NEW).]

SECTION HISTORY

1983, c. 460, §3 (NEW).

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